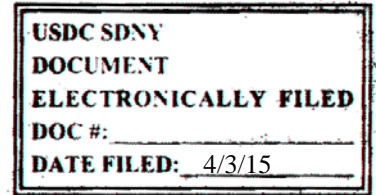


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
DENNIS WATKINS,	:	
	:	
Plaintiff,	:	14 Civ. 2748 (LGS) (SN)
	:	
-against-	:	
	:	<u>OPINION AND ORDER</u>
	:	
POLICE OFFICER RAMOS,	:	
	:	
Defendant.	:	
	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

Plaintiff, proceeding pro se, brings suit against Defendant pursuant to 42 U.S.C. § 1983 and New York state law alleging excessive force, perjury, fraud, slander and assault and battery. Before the Court is the Report and Recommendation of Magistrate Judge Sarah Netburn (the “Report”), recommending that Defendant’s motion to dismiss be granted and the case dismissed with prejudice. For the reasons stated below, the Report is adopted in its entirety.

This case was referred to Judge Netburn on September 9, 2014. On October 10, 2014, Defendant filed a motion to dismiss the operative complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure. On February 27, 2015, Judge Netburn issued the Report to which no objection was filed.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.”

Adams v. New York State Dep't of Educ., 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). “In general, failure to object timely to a magistrate’s report operates as a waiver of any further judicial review of the magistrate’s decision.” *Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (internal citation and quotation marks omitted).

The factual and legal bases underlying the well-considered Report are neither clearly erroneous nor contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Defendant’s motion to dismiss is GRANTED and the case is DISMISSED with prejudice.

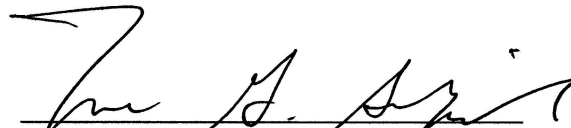
The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to close the motion at Docket No. 23, to close this case and mail a copy of this Opinion and Order to Plaintiff at the following address:

Dennis Watkins
12-A-3635
Attica Correctional Facility
639 Exchange St
Attica, NY 14011-0149.

SO ORDERED.

Dated: April 3, 2015
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE